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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,879	07/20/2004	Markus Cslovjecsek	3025-103	4447
46002	7590	04/07/2006	EXAMINER	
JOYCE VON NATZMER 4615 NORTH PARK AVENUE, SUITE 919 CHEVY CHASE, MD 20815			LOCKETT, KIMBERLY R	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/501,879

**Applicant(s)**

CSLOVJECSEK, MARKUS

**Examiner**

Kim R. Lockett

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 1/12/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18-26, 28-33, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) 27 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 32 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly recited "guide" and "computer" are considered new matter.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santini in view of Making Simple Musical Instruments.

Santini discloses the use of a musical instrument (1) comprising a surface, wherein at least part of the surface has a regular or an irregular surface with wavy

ribbing (see figure 1) that guides a playing aid (see figure 4), two combinable modules comprising opposite sired and a coupling on each of the sites that can be rigidly connected (see figure 3) using adhesive (column 3, lines 45-50).

Santini does not disclose the specific elements as disclosed by the applicant.

Making Simple Musical Instruments discloses the use of a musical instrument wherein at least part of the surface has a regular or an irregular surface with wavy ribbing, where the ribbing is between .001 mm and 250 mm.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device as disclosed by Santini with the ribbing as disclosed by Making Simple Musical Instruments in order to achieve a specific tonal quality.

4. Claims 24-26, 28-31, 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santini in view of Making Simple Musical Instruments and Gilbert

Santini and Making Simple Musical Instruments do not disclose the use modules that can be connected.

Gilbert discloses the use of ribbed modules that can be connected (column 2, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the instrument as disclosed by Santini with the ribs as disclosed by Making Simple Musical Instruments in order to provide a device with symmetry.

5. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santini and Making Simple Musical Instruments in view of Schmoyer.

Santini does not disclose the use of frequencies associated with colors.

Schmoyer discloses the use of a musical instrument that associated frequencies with colors (column 9, lines 3-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the musical instrument as disclosed by Santini with the waves as disclose by Making Simple Musical Instruments and the colors as disclosed by Schmoyer in order to aid a player in achieving a desired sound.

6. Claims 27 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments with respect to claims 15,16,18-26,28-33,35 and 36 have been considered but are moot in view of the new ground(s) of rejection.

8. Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.


For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone

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**number is 800-786-9199.** Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett whose telephone number is (703) 308-7615, after 2/3/04 my new number will be (571) 272-2067.** The examiner can normally be reached on Monday through Friday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext. 33.

  
**KIMBERLY LOCKETT**  
**PRIMARY EXAMINER**